

AMENDED IN ASSEMBLY JUNE 26, 2003

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE MAY 6, 2003

SENATE BILL

No. 636

Introduced by Senator Machado

February 21, 2003

An act to add Section 56509 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 636, as amended, Machado. Special education: alternative dispute resolution.

Existing law provides procedural safeguards, including due process hearings, for the resolution of complaints regarding alleged violations of the federal Individuals with Disabilities Education Act. Existing law also authorizes parties to special education disputes to seek resolution through mediation prior to filing a request for a due process hearing.

This bill would require the State Department of Education to establish and administer a statewide program of grant funding, with specified components, to support special education local plan areas in conducting alternative dispute resolution programs for resolving special education disputes. The bill would state the intent of the Legislature to make \$300,000 available for purposes of the program, on an annual basis, would prescribe the allocation of funds under the program, would require grant recipients to perform specified services related to alternative dispute resolution, and would prescribe other matters related to the grant program. The bill would provide that the grants awarded under the program and the administrative costs incurred

by the State Department of Education to administer the grant program are to be funded with moneys appropriated from the Federal Trust Fund in the annual Budget Act. The bill would require the Legislative Analyst to submit an evaluation related to the program to the State Department of Education, the Legislature, and the Governor on or before January 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares as
2 follows:

3 (1) The Individuals with Disabilities Education Act (20 U.S.C.
4 Sec. 1400 et seq.) encourages the use of mediation to resolve
5 disputes between parents of children with disabilities and local
6 educational agencies.

7 (2) The only statewide mediation process available to parents
8 and local educational agencies is a prehearing mediation
9 conference filed with the state or a mediation conference
10 scheduled after a request for a due process hearing has been filed
11 with the state.

12 (3) The number of requests for special education due process
13 hearings and complaints filed by parents of children with
14 disabilities against local educational agencies have increased
15 significantly in recent years.

16 (4) The costs of litigation, state level mediation, and
17 investigation of complaints have likewise increased significantly
18 in recent years.

19 (5) The current system of dispute resolution often results in
20 adversarial relationships between parents and local educational
21 agencies, thereby affecting the provision of an appropriate
22 education to children with disabilities.

23 (6) A limited number of special education local plan areas
24 (SELPA) have implemented an alternative dispute resolution
25 process that has successfully resolved disputes at the local level,
26 thereby reducing the amount and cost of litigation and complaint
27 investigation at the state level.

28 (7) Parents of children with disabilities are entitled to other
29 ~~options for dispute resolution that develop lasting relationships~~



~~and build trust. options for dispute resolution at the local level that are cost-effective.~~

(8) Through an alternative dispute resolution program, children with disabilities may ~~be provided appropriate services~~ receive appropriate services in a less time-consuming process.

(b) It is, therefore, the intent of the Legislature to do the following:

(1) To establish new options for alternative dispute resolution at the local level through coordination by the SELPA system or collaboration of multiple SELPAs.

(2) These new options may not interfere with a parent's right, under state and federal law, to pursue other options at the state level, but work in conjunction with these options to provide a greater variety of options to the parent.

(3) A program be established with funding to support the development and implementation of alternative dispute resolution in each SELPA throughout the state.

(4) To establish a mentorship program to help guide SELPAs in implementing new alternative dispute resolution programs.

SEC. 2. Section 56509 is added to the Education Code, to read:

56509. (a) The State Department of Education shall establish and administer a statewide program of grant funding to establish alternative dispute resolution programs for special education that includes the following:

(1) An advisory board that includes representatives from local alternative dispute resolution projects to ensure ongoing communication.

~~(2) An annual planning conference for new implementers of alternative dispute resolution programs.~~

~~(3)–~~

(2) An annual statewide conference for all implementers of alternative dispute resolution programs.

~~(4)–~~

(3) Criteria for awarding grants, funding, data collections, and evaluating alternative dispute resolution projects.

~~(5)–~~

(4) The selection of recipients and allocation of funding.

~~(6)–~~

1 (5) The selection of individuals to serve as mentors to support
2 implementers.

3 (b) It is the intent of the Legislature that the State Department
4 of Education shall be funded at three hundred thousand dollars
5 (\$300,000) annually, as adjusted annually by the cost of living, to
6 carry out its responsibilities under subdivision (a).

7 (c) Subject to the availability of funding for this purpose,
8 funding for grant recipients shall be at the following levels:

9 (1) Special education local plan areas (SELPAs) and
10 multi-SELPA applicants selected by the State Department of
11 Education shall receive fifty thousand dollars (\$50,000) annually,
12 as adjusted annually by the cost of living, for a period not to exceed
13 three years for initial implementation purposes.

14 (2) SELPAs and multi-SELPA applicants that continue to
15 implement alternative dispute resolution programs after the initial
16 three years shall receive ongoing funding at twenty-five thousand
17 dollars (\$25,000) annually plus twenty-five cents (\$0.25) per
18 average daily attendance of all pupils in the member school
19 districts of the SELPA, as adjusted annually by the cost of living
20 and as recommended by the State Department of Education for
21 ongoing program maintenance.

22 (d) SELPAs and multi-SELPA collaboratives receiving
23 funding under this section shall provide the following services:

24 (1) Intake coordination.

25 (2) Prevention activities.

26 (3) Formal dispute resolution activities.

27 (4) Training of parents and local educational agency staff.

28 (5) Data collection.

29 (6) Narrative reports of alternative dispute resolution training
30 and other activities.

31 (7) Expenditure reports.

32 (8) Evaluation activities.

33 (9) Participation in ~~annual planning and implementation~~
34 *statewide alternative dispute resolution* conferences.

35 (e) The State Department of Education shall administer a
36 mentorship program that identifies individuals whose
37 responsibility is to provide support to implementers. These
38 individuals shall be responsible for the following activities:

39 (1) Participation ~~on~~ *in or providing input for the meetings of* the
40 alternative dispute resolution advisory board.

1 ~~(2) Participation in the planning and implementation of~~
2 ~~quarterly meetings with assigned implementers.~~

3 ~~(3) Participation in the planning and implementation of the~~
4 ~~annual statewide alternative dispute resolution conference.~~

5 ~~(4) Participation in the planning and implementation of the~~
6 ~~annual alternative dispute resolution planning conference.~~

7 ~~(5) A quarterly~~

8 ~~(2) Participation in the statewide alternative dispute resolution~~
9 ~~conference.~~

10 ~~(3) An annual report of activities to the State Department of~~
11 ~~Education.~~

12 ~~(6)–~~

13 ~~(4) Consultation, training, and other technical assistance to~~
14 ~~support the State Department of Education and SELPAs to~~
15 ~~implement the provisions of this section.~~

16 ~~(7)–~~

17 ~~(5) Contracting with individuals to mentor planning and~~
18 ~~implementing.~~

19 (f) An amount of two hundred thousand dollars (\$200,000)
20 annually, as adjusted annually by the cost of living, shall be
21 authorized to implement the mentorship program. This amount
22 shall be distributed in the following manner:

23 (1) Five thousand dollars (\$5,000) annually, as adjusted
24 annually by the cost of living, per individual who is currently a
25 local educational agency or SELPA employee authorized to
26 provide mentor support to implementers. In addition, each local
27 educational agency or SELPA employer of the mentor shall
28 receive five thousand dollars (\$5,000) annually, as adjusted
29 annually by the cost of living.

30 (2) One hundred thousand dollars (\$100,000) annually, as
31 adjusted annually by the cost of living, per individual who is not
32 currently a local educational agency or SELPA employee
33 authorized to provide mentor support to implementers.

34 (g) Grants awarded by the State Department of Education
35 under this section and the administrative costs incurred by the
36 State Department of Education to administer the grant program
37 shall be funded with moneys appropriated from the Federal Trust
38 Fund in accordance with Item 6110-161-0890 of the annual
39 Budget Act.

- 1 (h) On or before January 1, 2006, the Legislative Analyst shall
2 coordinate the data and reports submitted by mentors to the State
3 Department of Education pursuant to subdivision (e), analyze the
4 data, compile one comprehensive evaluation, and submit the
5 evaluation to the State Department of Education, the Legislature,
6 and the Governor. The evaluation shall also include, but not be
7 limited to, a report on all of the following:
- 8 (1) Performance of the mentorship program.
 - 9 (2) Implementation of alternative dispute resolution programs
10 at the SELPA level.
 - 11 (3) Cost benefit analysis on the grant program.

